

**OFFICIAL MINUTES OF THE
STATE OF IOWA COMMISSION OF ELDER AFFAIRS
October 3, 2003**

Present: Harold Davis
Hazel Chuck
Craig Downing
J. Russell Lowe
Yogesh Shah
Senator Joe Bolkcom
Senator David Johnson
Representative Linda Upmeyer

ABSENT: Jane Paulsen
Clemmie Hightower
Representative Todd Taylor

Others Present: Mark Haverland, Mary Ann Young, Sherry James, Joel Wulf, Bob Welsh, Jenny Knust, Linda Hildreth, Jeff Batz, Jeanne Yordi, Lori Cochran, Denice Gienapp, Cindy Haverkamp, Ed Chuck, Becky Groff, Deanna Clingan-Fischer, Linda Hildreth.

Call to Order

The business meeting of the Commission of Elder Affairs was held on October 3, 2003.

Chairperson Harold Davis called the meeting to order at 10:35 am, following a tour of Wesley Acres. The Recording Secretary conducted roll call. The following Commissioner's answered roll call: Harold Davis, Hazel Chuck, Russell Lowe, Craig Downing, Yogesh Shah. A quorum was present.

Agenda

Action: Commissioner Chuck moved, Commissioner Shah seconded, the agenda be approved as amended to strike agenda item #7. A roll call vote determined all Commission members present voted "aye".

Acknowledgement

Chair Davis congratulated Senator Bolkcom on being one of the recipients of the Friend of Older Iowans award presented at the Older Iowans Legislature session held on September 22 and 23.

Minutes

Senator Bolkcom reported he would have liked to have had more details in the June 16 minutes regarding the detailed discussion of the Area Plan approvals and the Volunteer Ombudsman program. He didn't feel the minutes reflected the Area Agencies concerns.

Action: Commissioner Shah moved, Commissioner Lowe seconded, to approve the minutes of June 16, 2003 as written. All Commissioners present voted "aye".

Director's Report

The Senior Living Coordinator's Unit is instructed by law to develop a long term care plan. AARP is graciously willing to work with our Department to put together a Town Meeting to discuss such topics as consumer directed care; quality assurance; caregiving; nursing facilities assessments; alternative housing accommodations. These conversations will assist the Department in developing the Long Range Plan. The Town Meeting is scheduled for November 4 & 5 at the Airport Four Points Sheraton.

Mark reported he has been touring different housing options including independent, assisted and CCRC's in understanding and identifying the housing options with services.

Our department has been directed to submit a status quo budget, equal to 2004 for the next fiscal year. We have identified services that would be directly affected by the decrease in funding. We have developed a service package for the fiscal bureau that includes services we would be able to deliver if the resources were available.

Program Initiatives

The Department has been developing program initiatives in response to a need for additional protections and options for older Iowans.

Dependent Adult Abuse - Linda Hildreth, State Elder Abuse Policy Coordinator, presented a rough draft proposal of Chapter 235B on dependent adult abuse. A summary of the proposal was distributed and discussed. This legislation establishes

a law with enhanced penalties for "violation of an individual age 60 or older and/or disabled". Linda reported this effort is one of the submitted service packages.

Linda reported the department has had several meetings with stakeholders to determine what it would take to develop an Adult Abuse Program. They are in the process of evaluating the dollar amount it would take to develop a safe system.

There was discussion regarding the elimination of combination training. Linda reported that currently Adult and Child Abuse training is combined into one training session. The Child Abuse training is about 2 hours and the Adult Abuse training is usually only 15 minutes. This proposal would move penalties to 726 criminal series of the law. The proposed legislation is based on direction from the Older American's Act which establishes age 60 and older and has been reviewed by two county attorneys.

Substitute Decision Making - Deanna Clingan-Fischer, Legal Services Developer, presented proposal of a bill for an act relating to substitute decision making, and providing for the collection and appropriation of fees. This bill creates a formal substitute decision-maker program available to vulnerable, at-risk, incapacitated persons of Iowa who have no appropriate or available decision-maker. In Iowa, decision-maker services are fragmented and limited. Only a few counties offer any options, all of which have specific criteria for eligibility. Unmet needs continue to exist. Iowa is one of only 6 states without a public guardianship system. Deanna reported this effort is one of the submitted service packages.

Action: Commissioner Downing moved, Commissioner Lowe seconded to proceed with the program initiatives as submitted. A roll call voted resulted in all Commissioners present voting "aye".

Acknowledgement

Chair Davis acknowledged the arrival of Representative Linda Upmeyer and congratulated her on being one of the recipients of the Friend of Older Iowans award presented at the Older Iowans Legislature session held on September 22 and 23.

CMPFE Update

Mark reported a Report to the Iowa Legislature on Proposed Changes in the Case Management Program for the Frail Elderly (CMPFE) was completed on October 1, 2003 and distributed to legislators. This report to the legislature is the result of legislation passed in the 2003 session. The Dept in collaboration with DHS, AAA's, advocacy groups, industry representatives, and consumers formed a workgroup to study and recommend to the legislature any needed changes that would make the CMPFE system more effective and efficient.

Older Iowans' Legislature Summary

Mary Ann Young reported that the 2003 Older Iowans Legislature two-day event was a success. The top priority bills were determined at the conclusion of the session. These will be developed into a brochure and distributed to the legislators. Chair Davis thanked Director Haverland for asking him to participate in this year's OIL session in his absence. Mark was attending an Administration on Aging Conference per the request of Josephini Carbonelle, Assistant Secretary for Aging. Chair Davis encouraged the other commissioners to attend an OIL session in the future.

Area Plan Update

At the June Commissioner meeting, some FY'04 Area Plans were approved with conditions. Mary Ann Young reported that at this time, all of the FY'04 Area Plan conditions have been met.

Administrative Rules

Adult Day Services - Mark reported a workgroup was developed to assist in writing the Adult Day Services Administrative Rules. Several members representing industries, consumers, and state agencies gathered and worked through the issues. He reported it was a consensus of the workgroup that the proposed rules have pushed Adult Day Services to a much higher level of care. A recent study reported that there is a need for an additional 64 Centers to fulfill the need in Iowa.

There was much discussion regarding staffing ratios; allowing participants with incontinence and communicable diseases; assessment tools and state fire marshal's rules regarding room sizes.

Dr. Shah reported his concern for defining the services too detailed. It should be determined that the individual program decides if they are capable of caring for a particular participant.

Action: Mark reported he had been directed by the Governor's office to table the action on the Adult Day Services Administrative Rules for 10 days to allow clarification of some of the language.

Volunteer Ombudsman - Jeanne Yordi, Long Term Care Ombudsman, reported Chapters 8 & 9 had been revised. Chapter 8, Resident's Advocate/Long Term Care Ombudsman adds new rules for the Volunteer Long-Term Care Ombudsman Program. Chapter 9, Resident Advocate Committees, removes the ratio of resident advocates to residents. These revisions also remove the requirement that AAA's are involved in the Resident Advocate Committee Program. Jeanne reported that at a recent joint I4A/DEA meeting, the AAA directors reported they wanted to be relieved of their responsibility with the RAC program due to being grossly underfunded.

Jeanne reported the Ombudsman's Care Coalition met and reviewed these rules and had come to a consensus with the revisions. There was discussion regarding the differences between the Resident Advocate Committee and the Volunteer Ombudsman program. Resident Advocates will be in their assigned facility on a regular basis meeting with residents and observing daily routines. The volunteer Ombudsman will act at the direction of the staff Ombudsman doing preliminary inquiries into complaints and follow-up with complainants.

There was discussion regarding the education level for the Volunteer Ombudsman program. Jeanne reported there will be a mandatory 24 hour training course plus one-on-one orientation required prior to certification.

Jeanne also reported the State Long Term Care Ombudsman may make a second visit following a complaint, but there isn't time to follow-up several months later to insure the issue has been corrected long-term.

Several commissioners expressed the need to continue to strengthen the RAC program.

Joel Wulf reminded the commissioners that Iowa is currently last in the country for number of ombudsmen to serve the long term care nursing facilities and now the Assisted Living facilities have been given to them to serve.

Action: Commissioner Lowe moved, Commissioner Shah seconded, to approve Chapters 8 & 9 as written. A roll call vote resulted in all Commissioners members present voting "aye".

Update - Mark reported the Assisted Living Workgroup will meet October 7 and possibly October 21 to work on language to revise the ALP Administrative Rules. The fees for these facilities are set by statute. There will be one chapter for fees and complaints for both Assisted Living and Adult Day rules. The Declaratory Rulings will also be a separate chapter. Mark reported the OIL Administrative Rules were being revised. They were written many years ago and it is necessary to review these rules and empower the delegates and leadership to take a more active role.

Other

The commissioners requested to have the department organize an educational training session for the commissioners. They requested to have detailed reports on the operations of the department, budget, legislative issues and future plans and ideas.

The next Commissioner's meeting is scheduled for Tuesday, November 18th, in Cedar Rapids.

Adjournment

There being no further business to be discussed at this time, the meeting adjourned at 12:20 pm.

Chair

Date

Recording Secretary

Date